

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)	
)	
Amendment to Part 97 of the Commission's)	
Amateur Radio Service Rules to Eliminate)	RM-10787
Morse Code Proficiency Requirements For)	
All Classes of Amateur Licenses)	
)	

To: The Commission

COMMENTS OF W. J. J. HOGE

1. I hold an Amateur Extra class amateur radio license. My call sign is W3JJH. As an Extra class licensee, I have already passed an examination in Morse telegraphy and have the broadest operating privileges available. When it comes to my personal interest in the controversy concerning the telegraphy requirement, I don't have a dog in the fight. I am, however, deeply concerned for the continued health of the Amateur Radio Service. I view telegraphy testing as a needless barrier to future amateur operators.
2. I wish to generally concur with all the points made in No Code International's ("NCI") Petition for Rulemaking.
3. In particular, I wish to remind the Commission of its previous Report and Order in the matter of WT Docket 98-143. In it the Commission considered the proficiency requirement for Morse telegraphy and found "that such a license qualification rule is not in the furtherance of the amateur service" and that the Commission does "not believe that it continues to serve any regulatory purpose."¹
4. Furthermore, the Report & Order ("R&O") cited above states, "We have considered the comments on this issue and conclude that the public interest will best be served by reducing the telegraphy examination to the minimum requirement that we have found meets the Radio Regulations ..."² As of 5 July, 2003, the ITU Radio Regulations no longer

¹ See the Report and Order, FCC 99-412, adopted Dec. 22, 1999, released Dec. 30, 1999, at 25.

² R&O at 25.

require telegraphy testing for amateur radio licensing.³ By its own reasoning, the Commission should amend its Rules to eliminate Morse code testing.

5. I agree with the reasoning put forth in the NCI Petition stating the Commission is allowed by the Administrative Procedures Act⁴ and its own Rules⁵ to issue an amended rule in this instance without formal notice or public input. The facts and opinions concerning this topic were thoroughly aired during the inquiry relating to WT Docket 98-143. That the present testing requirement is undesirable is a settled matter. Removing the requirement will not reduce the operating privileges of any licensee.

6. I encourage the Commission to act quickly in granting the relief sought by NCI by amending Part 97 of the Rules as requested by the Petitioner.

Respectfully submitted,

/s/

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Dated: 29 August, 2003

³ ITU Radio Regulations, Art. 25, as modified by WRC-03.

⁴ 5 USC 553(b)(3)(B)

⁵ 47 CFR 1.412(e)